

AMENDED IN SENATE JANUARY 4, 2006

AMENDED IN SENATE APRIL 25, 2005

**SENATE BILL**

**No. 427**

**Introduced by Senator Hollingsworth**

February 17, 2005

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~~An act to add Section 21080.20 to the Public Resources Code, An act to amend Sections 21083.9 and 21092.4 of the Public Resources Code, relating to environmental quality.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 427, as amended, Hollingsworth. California Environmental Quality Act: ~~exemption: CAL-TRANS: right-of-ways~~ *scoping meetings.*

(1) ~~The existing~~ California Environmental Quality Act (CEQA) requires a lead agency to prepare an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, as defined, ~~unless the project is exempt from the act.~~

*CEQA requires a lead agency to call at least one scoping meeting for a project of statewide, regional, or areawide significance, and to notify specified entities of at least one scoping meeting.*

*Existing law for such a project requires the lead agency to consult with transportation planning agencies and public agencies that have transportation facilities within their jurisdiction that could be affected by the project, for the purpose of the lead agency obtaining information concerning the project's effect on major local arterials, public transit, freeways, highways, and rail transit service.*

~~This bill would exempt from those CEQA requirements the expansion of an existing overpass, onramp, or offramp that is built on an easement or right-of-way under the control of a state or local~~

~~transportation agency, or a city, county, or city and county. By imposing new duties on local governments with respect to determining whether that exemption is applicable to specified highway expansion projects, the bill would impose a state-mandated local program additionally require notice of at least one scoping meeting be provided to transportation planning agencies or public agencies required to be consulted concerning such a project, and would require to be included in that consultation the project's effect on overpasses, on-ramps, and off-ramps. By imposing new duties on local governments with respect to notifying additional entities of a scoping meeting and consulting on other effects of the project, the bill would impose a state-mandated local program.~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 21083.9 of the Public Resources Code is  
2     amended to read:  
3     21083.9. (a) Notwithstanding Section 21080.4, 21104, or  
4     21153, a lead agency shall call at least one scoping meeting for  
5     either of the following:  
6     (1) A proposed project that may affect highways or other  
7     facilities under the jurisdiction of the Department of  
8     Transportation if the meeting is requested by the department. The  
9     lead agency shall call the scoping meeting as soon as possible,  
10    but not later than 30 days after receiving the request from the  
11    Department of Transportation.  
12    (2) A project of statewide, regional, or areawide significance.  
13    (b) The lead agency shall provide notice of at least one  
14    scoping meeting held pursuant to paragraph (2) of subdivision (a)  
15    to all of the following:  
16    (1) ~~Any~~ A county or city that borders on a county or city  
17    within which the project is located, unless otherwise designated

1 annually by agreement between the lead agency and the county  
2 or city.

3 (2) ~~Any~~ A responsible agency.

4 (3) ~~Any~~ A public agency that has jurisdiction by law with  
5 respect to the project.

6 (4) ~~Any~~ A transportation planning agency or public agency  
7 required to be consulted pursuant to Section 21092.4.

8 (5) An organization or individual who has filed a written  
9 request for the notice.

10 (c) For ~~any~~ an entity, organization, or individual that is  
11 required to be provided notice of a lead agency public meeting,  
12 the requirement for notice of a scoping meeting pursuant to  
13 subdivision (b) may be met by including the notice of a scoping  
14 meeting in the public meeting notice.

15 (d) A scoping meeting that is held in the city or county within  
16 which the project is located pursuant to the National  
17 Environmental Policy Act (42 U.S.C. Sec. 4321 et seq.) and the  
18 regulations adopted pursuant to that act shall be deemed to  
19 satisfy the requirement that a scoping meeting be held for a  
20 project subject to paragraph (2) of subdivision (a) if the lead  
21 agency meets the notice requirements of subdivision (b) or  
22 subdivision (c).

23 SEC. 2. Section 21092.4 of the Public Resources Code is  
24 amended to read:

25 21092.4. (a) For a project of statewide, regional, or areawide  
26 significance, the lead agency shall consult with transportation  
27 planning agencies and public agencies ~~which~~ that have  
28 transportation facilities within their jurisdictions ~~which~~ that could  
29 be affected by the project. Consultation shall be conducted in the  
30 same manner as for responsible agencies pursuant to this  
31 division, and shall be for the purpose of the lead agency  
32 obtaining information concerning the project's effect on major  
33 local arterials, public transit, freeways, highways, *overpasses*,  
34 *on-ramps*, *off-ramps*, and rail transit service within the  
35 jurisdiction of a transportation planning agency or a public  
36 agency which is consulted by the lead agency. A transportation  
37 planning agency or public agency which provides information to  
38 the lead agency shall be notified of, and provided with copies of,  
39 environmental documents pertaining to the project.

(b) As used in this section, “transportation facilities” includes major local arterials and public transit within five miles of the project site and freeways, highways, *overpasses*, *on-ramps*, *off-ramps*, and rail transit service within 10 miles of the project site.

~~SECTION 1. Section 21080.20 is added to the Public Resources Code, to read:~~

~~21080.20. This division does not apply to the expansion of an existing overpass, onramp, or offramp that is built on an easement or right-of-way under the control of a state or local transportation agency, or a city, county, or city and county.~~

~~SEC. 2.~~

~~SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.~~